

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



BOARD CHAIRPERSON  
Richard Weil, MD

2 Peachtree Street, N.W., 36<sup>th</sup> Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>  
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## **GEORGIA COMPOSITE MEDICAL BOARD** **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to post an amendment to **Rule 360-28-.01 "Definitions" and Rule 360-28-.05 "Updates and Corrections. Amended."** An exact copy of the proposed amendments is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being emailed to all persons who have requested, in writing, that they be placed on the mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **October 25, 2013** or make comments at the public hearing. Comments may be directed to Diane Atkinson, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [matkinson@dch.ga.gov](mailto:matkinson@dch.ga.gov).

A public hearing is scheduled to begin at **10:30 a.m. on November 8, 2013** at the 36<sup>th</sup> Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on **September 13, 2013** meeting. The Board will consider at its meeting on **November 8, 2013 at 10:30 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **November 8, 2013**, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A)(B)(C)(D).

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The authority for promulgation of these rules is O.C.G.A. Secs. 43-34-24, 43-34A-1, 43-34A-3, 43-34A-8, 43-34-37.

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: September 20, 2013

Signed: LaSharn Hughes  
LaSharn Hughes, MBA  
Executive Director  
Georgia Composite Medical Board

# ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO RULE Chapter 360-28

## Physician Profiles

### ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

### RULE SYNOPSIS:

#### **Rule 360-28-.01 Definitions**

#### **Rule 360-28-.05 Updates and Corrections. Amended.**

**Purpose/Main Feature:** The purpose of these rule changes are to reflect the new name of the Board and to amend rules to allow for physicians to remove outdated information involving malpractice information, hospital disciplinary actions and other information.

Authority O.C.G.A. Secs. 43-34-24, 43-34A-1, 43-34A-3, 43-34A-8, 43-34-37.

## PHYSICIAN PROFILES RULES

### **360-28-.01 Definitions.**

(1) Board means the Georgia Composite Medical Board ~~Composite State Board of Medical Examiners~~.

(2) Final disciplinary action means:

(a) Any of the following final disciplinary actions taken by the Board or its counterpart in any other state, any state licensing board in Georgia or in any other state within the ten year period immediately prior to the date of the profile:

1. Refusal to grant a license to an applicant;
2. Public or private reprimand, provided that the first private reprimand shall not be reported for physician profiles;
3. License suspension for a definite period;
4. Limitation or restriction of a license;
5. License revocation;
6. Conditioning the penalty or withholding formal disposition upon the physician's submission to the care counseling or treatment of physicians or other professional persons, and the completion of such care, counseling or treatment as directed by the licensing board;
7. Probation;
8. "Final" in disciplinary action under section (a) of 360-28-.01(2) means:

(i) In contested cases, any of the discipline listed in 360-28-.01(2)(a)1. through 7. imposed by final decision of the Board, its counterpart in any other state, any state licensing board in Georgia or in any other state.

(ii) Any of the discipline listed in 360-28-.01(2)(a)1. through 7. that was imposed by agreement between the physician and the Board or its counterpart in any other state or any state licensing board in Georgia or in any other state.

(b) Any final hospital disciplinary action resulting in revocation or any restriction of hospital privileges, either involuntary or by agreement, for reasons related to competence or character that is taken on or after April 11, 2001 and within the ten-year period immediately prior to the date of the profile.

(c) Final disciplinary action taken prior to April 11, 2001 shall not be included within the

definition of this term.

(3) Current profile means the most recent profile on file with and published by the Board.

(4) Judgment means court decision and shall include criminal convictions and entered pleas of nolo contendere.

(5) Physician means a doctor of medicine or osteopathy licensed by the Board pursuant to Article 2, Chapter 34, Title 43 of the Official Code of Georgia Annotated.

(6) Medical school faculties mean academic appointments. The term medical school faculties shall not include hospital affiliation or privileges.

(7) Profile questionnaire means the form attached to this chapter as Exhibit 1.

(8) Public means any person or entity.

Authority O.C.G.A. Secs. 43-34-24, 43-34A-1, 43-34A-3, 43-34A-8.

### **360-28-.05 Updates and Corrections. Amended.**

(1) A physician shall utilize the form attached to this chapter as Exhibit 2 to update or correct the physician's profile.

(2) A physician may update or correct profile information via the Internet, except that a physician will not be permitted to update the following profile items listed in O.C.G.A. §§ 43-34A-3(c)(11) through (17) after initial publication:

(a) Felony criminal convictions.

(b) Felony charges to which a plea of nolo contendere was entered.

(c) Final disciplinary actions by a regulatory board as defined in O.C.G.A. § 43-34A-3(c).

(d) Final revocations or any final disciplinary actions resulting in any restriction of hospital privileges, either involuntary or by agreement, for reasons related to competence or character.

(e) Resignations from or nonrenewal of staff privileges taken in lieu of or in settlement of pending disciplinary action related to competence or character.

(f) Final medical malpractice court judgments, medical malpractice awards or medical malpractice settlements that are required to be disclosed pursuant to Code Sections 43-34A-3(c)(16) and 43-34A-3(c)(17).

(3) When a profile is updated or corrected regarding malpractice, hospital staff privileges,

or disciplinary action, whether by submission of a hard copy or via the Internet, the Board will mail a copy of the updated or corrected profile as published to the physician.

(4) The profile items listed in O.C.G.A. §§ 43-34A-3(c)(11) through (17) shall be reported to the Board within 10 days of the judgment, award, settlement, revocation, resignation and/or disciplinary action.

(a) When updating or correcting the profile items listed in O.C.G.A. §§ 43-34A-3(c)(11) through (17), the physician shall provide the Board with a copy of the judgment, award, settlement, revocation and/or disciplinary action.

(b) Failure to report this information within 10 days of judgment, award, settlement, revocation, resignation and/or disciplinary action may result in disciplinary action.

(5) All other changes to the physician's profile, including practice address, shall be reported by the physician to the Board, *in writing or via the Internet*, within 30 days of the date of the change.

(6) It is the responsibility of the physician to submit on a form provided by the Board notification of changes in the physician profile including, but not limited to any outdated information on the profile involving malpractice information, hospital disciplinary actions, resignations or non-renewals, changes of address or practice and malpractice insurance status.

Authority O.C.G.A. Secs. 43-34-24, 43-34-37, 43-34A-3, 43-34A-7, 43-34A-8.